(1950) Department.

SERIES.

G.O. No. 2642.

Dated 3-10-1950.

[Despatch Abstract.]

Fisheries — Inland waters — Rivers Channel And Tank Fisheries — Fishery leases — Forms of agreement — Amendments — Proposals.

REVENUE DEPARTMENT.
SUBJECT.
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Fisheries - Inland waters - River, channel and Tank Fisheries Fishery leases - Forms of agreement - Amendments - Proposals.

Station: Madras Ref: B.3011-49-2. Dated 26.6.1950.

From

Sri A.F.Mascarenhas, Secretary Board of Revenue.
Sri W.R.A.Sattianathan, I.C.S., Commissioner of Land Revenue.

Read: From the Collector of Tiruchi Rc.B8.1617 dated 7.6.1949.

The Fishery rights in the Main Ayyan Channel of the Cauvery river in Lalgudi taluk, have been leased to the Lalgudi Fisherman co-operative Society Ltd., Tiruchi, till the end of fasli 1359. The leassee gave a complaint that while his party were carrying on fishing operations near the Head sluice of the channel on 6.1.1949, the Sub-Divisional Officer, Lalgudi who visited the place, objected to their fishing and snatched away their fishing nets and ropes etc.

2. The Executive Engineer, Rc.Division Tiruchi, was asked to enquire and report on the action of the Sub Division Officer. The Executive Engineer has enclosed a copy of the Sub-divisional Officer's report to him. The Sub-Divisional Officer says that the party were fishing in the vicinity of the headsuice, and that they tied the nets and ropes to the beams and guage posts of the head sluice. He reports that the ropes were passed through the gaps in the masonry structures of the sluice, and to the free ends of these ropes, were attached stones, which were placed on the road beside the parapet wall. The actual arrangement has been illustrated in the enclosed sketch. The Sub-Divisional Officer raises the objections noted below, regarding this practice. The stones in the parapet wall near the sluice are being gradually removed. The plastering over the parapet is rubbed by the contact of ropes. When a number of nets are attached to the parapet, the stones kept over the road from an obstruction to traffic, When a number of ropes are tied to the gauge posts, they cover up the graduations the post and render the reading of the levels difficult. The Sub Divisional Officer says that he warned the fisherman several times against this interference, but as they did not pay heed to it, he removed the nets and ropes and restored them to the owners.

2. Reporting on this occurrence, the Executive Engineer Rc.Division observes that there is no specific clause in the agreement executed by the fishery lessees, preventing them from such interferences. He proposes that the clause noted below, may be incorporated in the draft form of agreement, so as to prevent any recurrence of this sort i.e. 'No fishing should be done attaching nets or other contrivances to masonry structures or revetment in the water courses." He says that such a restriction was observed prior to 1933.

4. The draft agreement form prescribed in appendix XVII the B.S.O. 211, contains the condition that Government works ould not be damaged. But this condition is not specific so as to be plicable to such interference as now reported. The amendment as ggested by the Executive Engineer will provide a caution to e lessess against such interference.

5. I request that this amendment may be recommended Government and that this may be ordered to be included in the agreent relating to fishery leases.

From the C.E.(I) No.4503-A 49-AEI dt. 23.12.1949.
Ref. Board's Ref.No.3011-49-1 dated 9.7.1949.

There is no objection to amend the standard form of greement for lease of fisheries in Rivers, Natural streams etc., proposed in the Collector's letter No.Rc.B8.1617-49 dated 7.6.49

Contdd...

received with Board's reference cited. But I consider, to cover all possible cases of demage to irrigation works, conditions L and O of the standard form of agreement Vide appendix XVII of B.S.O. No.211 as amended by correction slip Nos.76 and 110 and the proposed amendment may be constituted into a single clause as follows.

Not to open or shut any sluice in or belonging to the said source of fishery, not to attach nets or other contrivances to masonry structures, revetments, beams, gauge posts, shutters etc. not to use fixed engines or cruicers at sluice for the purpose of capturing fish or do any other act that may affect adversely the irrigation or drianage of any land under the Government works and not toncause or to fish so as to cause damage to any Government works".

2. The corresponding clause of the agreement for lease of fisheries in tanks, clause 2(1) and 2(13) may also be reconstituted into a single clause as above.

From the Director of Fisheries U.O.No.5861-50. dated 26.5.1950.

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I agree to the amendments proposed by the Board for the due protection of the structures, constructions etc. put up by the Public Works Department, and have scrutinized the draft condition proposed to be included on the form of agreement.

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Reference.

Submitted to the Government.

2. The Board agrees with the Collectors of Tiruchi C.E.(I) and the Director of Fisheries and recommends that the following amendments to Appendix XVII to B.S.O.211 as inserted by C.S.No.71 dated 17.6.1935 and as amended by C.S.No.110 dated 10.10.36 may be approved.

The following amendments are issued to appendix XVII to B.S.O.211.

Appendix XVII to B.S.O.211 as inserted by C.S.71 dated 17th June 1935 and as amended by C.S.No.110 dated 10-10-36.

(i) Form of agreement relating to fisheries in rivers natural stream etc. For the existing clause 2(b) substitute the following:-

"Noth to open or shut any sluice in or belonging to the said source of Fishery, not to attach nets or other contrivances to masonry structures, revetments, beams, gauge posts, shutters etc. not to use fixed engines or cruives at sluice for the purpose of capturing the fish or do any other act that may affect adversely the irrigation or drianage of any land under the government works and not to fish or to cause fishing so as to cause damage to any government works".

(ii) Form of agreement relating to tank fisheries:-
(a) For the existing clause 2(1) substitute the following:-

"Not to open or shut any sluice in or belonging to the said source of fishery, not to attach nets or other contrivances, to masonry structures, revetments, beams, gauge posts, shutters etc. not to use fixed engines or crives at sluice for the purpose of capturing fish or do any other act that may affect adversely the irrigation or drainage of land under the Government works and not to fish or to cause fishing a so as to cause damage to any Government works".

)b) Delete clause 2(13) and renumber the existing clauses 2(14) to 2(18) as 2(13) to 2(17).

Sd.x

For Secretary P.T.O.

To
The Secretary to Government,
Development Department, Fort St. George, Madras.

The Secretary to Government,
Revenue Department.
Fort St. George Madras.

GOVERNMENT OF MADRAS
ABSTRACT.
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Fisheries - Inland waters - River, channel and Tank Fisheries - Fishery leases - Forms of Agreement - B.S.O. 211 Amendment - Approved.

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REVENUE DEPARTMENT.

G.O.Ms.No.2642. Dated 3.10.1950.
Read the following:-

From the Board of Revenue Ref.E.3011/49-2
dated 26.6.1950.

ORDER:

The draft amendments to Appendix XXVII to B.S.O. 211 proposed by the Board of Revenue in its reference quoted above are approved.

/By Order etc./

Sd.xx
Secretary to Government.

To
The Board of Revenue(L.R).

/True copy/

R Thangavelu 1-4-86

SUPERINTENDENT.
MADRAS RECORD OFFICE.

SS/28.8.

28.8.1986